

# EXHIBIT 1



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**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

THEIA TECHNOLOGIES, LLC, an  
Oregon domestic limited  
liability company,

Plaintiff,

vs.

2:20-CV00097GEKP

THEIA GROUP, INC., a Delaware  
corporation, and THEIA HOLDINGS A,  
INC., a Delaware corporation,

Defendants.

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**REMOTE DEPOSITION BY VIDEO CONFERENCE OF**

**JOSEPH D. FARGNOLI**

**TAKEN ON  
MONDAY, JUNE 22, 2020  
11:40 A.M.**

**APPEARANCES****Appearing on behalf of the Plaintiff:**

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1                   **REMOTE DEPOSITION BY VIDEO CONFERENCE OF**

2                               **JOSEPH D. FARGNOLI**

3                                   **TAKEN ON**

4                               **MONDAY, JUNE 22, 2020**

5                                   **11:40 A.M.**

6  
7                   **THE REPORTER:** The time is 11:40 a.m. and  
8 we are on the record. Mr. Fagnoli, can you raise  
9 your right hand? Do you solemnly swear or affirm  
10 under penalty of perjury that the testimony you're  
11 about to give will be the truth, the whole truth,  
12 and nothing but the truth?

13                   **THE WITNESS:** I do.

14                   **THE REPORTER:** Thank you. I just need to  
15 make a quick statement before we begin. I would  
16 like to stipulate on the record, the testimony will  
17 be captured by a professional digital reporter and  
18 that all agree to this method of preserving today's  
19 record. The testimony will be transcribed and  
20 certified.

21                   Ms. Homen, do you agree?

22                   **MS. HOMEN:** I agree.

23                   **THE REPORTER:** Mr. Bonini, do you agree?

24                   **MR. BONINI:** Yes, I agree.

25                   **THE REPORTER:** Thank you. We may move

1 forward.

2 **JOSEPH D. FARGNOLI**, was sworn and testified as

3 follows,

4 **EXAMINATION**

5 **BY MS. HOMEN:**

6 **Q** Good morning. Thank you for your  
7 patience. I know it took a little time to get this  
8 rolling, but that's the world we live in now. So  
9 could you please state your name for the record.

10 **A** I'm Joseph D. Fargnoli.

11 **Q** And how are you feeling today, Mr.  
12 Fargnoli? Should I call you Fargnoli or Joseph, or  
13 what would you prefer?

14 **A** Joseph is fine.

15 **Q** Okay. How are you feeling today, Joseph?

16 **A** Fine.

17 **Q** Have you taken any medications or other  
18 things today that could affect your ability to  
19 answer questions?

20 **A** No.

21 **Q** Do you have any medical conditions or  
22 illnesses that could affect your ability to answer  
23 questions?

24 **A** No.

25 **Q** Have you ever been deposed before?

1 **Will you still be able to see it?**

2 A Let me try. I can see it. It's just  
3 small.

4 **Q I can make it bigger. Thank you for your**  
5 **patience with us?**

6 A If you do a page wide, that's pretty good.

7 **Q Okay. Can you please read out loud for me**  
8 **the first paragraph on the first page of this**  
9 **document next to the heading "goods and services"?**

10 A Sure. "IC 009. US 021 023 026 036 038 G &  
11 S Satellite hardware, namely computer hardware  
12 satellite receives, satellite dishes, satellite  
13 transceivers, electronic data sensors, remote  
14 sensors for use in measuring and monitoring activity  
15 taking place on, above, and below the earth's  
16 surface and associated software for controlling the  
17 aforementioned hardware for collecting, processing,  
18 analyzing and reporting data and backhauling data  
19 from another orbiting constellation of satellites  
20 which replaces some or all of the need for the  
21 constellation satellites to downlink directly to  
22 earth on their own, modules namely computer memory  
23 and integrated circuit modules for backhauling data  
24 from another orbiting constellation of satellites  
25 where the aforementioned replaces some or all of

1 need for the constellation satellites to downlink  
2 directly to earth on their own."

3 **Q Thank you. Is it an accurate description**  
4 **of the goods that Theia Group intends to use the**  
5 **trademark Theia for?**

6 A Well, I think what it is a description of  
7 the combination of goods that go into what we're  
8 delivering. We will not sell satellite hardware  
9 under the Theia name, to my knowledge, or computer  
10 hardware, or satellite receivers. These are the  
11 various components that go into delivering the Theia  
12 information products.

13 **Q Is that because earlier I believe you said**  
14 **that you were going to be selling services but not**  
15 **goods, correct?**

16 A Correct.

17 **Q Did Theia Group ever intend to sell the**  
18 **goods that are listed here?**

19 A Not to my knowledge, no. We have  
20 continuously be a, like I said, a wall guarded  
21 system where these -- all of these components to  
22 some level are needed to deliver the service that we  
23 offer. But we are not trying to deliver any one of  
24 these services individually as a stand-alone  
25 product. So when a customer comes to us with an



1 interest in the application of our service, they may  
2 get some computer hardware. They may get some  
3 satellite receivers. They may get some satellite  
4 transceivers, some electronic data sensors, suitable  
5 for the arrangement that they need for the service  
6 that they need. Those elements are part of the  
7 overall offering, but the Theia offering is that  
8 service, not the individual components, explicitly  
9 not the individual components.

10 **Q So you say that your customers may receive**  
11 **some of these things as part of being -- I guess**  
12 **being able to receive your services. Is that a fair**  
13 **characterization?**

14 A Right.

15 **Q So would those products be branded Theia?**

16 A You know, in many cases they're likely  
17 going to be branded through our enterprise business  
18 partners. If ACME industries to use -- to coin a  
19 phrase, becomes our industry partner in one of these  
20 market verticals, it is very likely that both pieces  
21 of equipment will somehow bear representation of  
22 having come through ACME industries.

23 **Q Okay. So in that circumstance in the ACME**  
24 **industries is an example that you give. Would**  
25 **customers, would end users of the services from --**

1           A     I believe they would. I can't see any  
2 exceptions right now.

3           **Q     Does the full motion imaging sensor or --**  
4 **the data analytics that would be obtained from a**  
5 **full motion imaging sensor fall within this category**  
6 **of services that's described here?**

7           A     So the full motion video is in the area of  
8 visible electromagnetic wavelengths. It's part of  
9 the visible ultra magnetic wavelengths.

10          **Q     Okay. Is the Theia Mark currently in use**  
11 **for any of the goods and services listed in this**  
12 **document?**

13          A     I don't believe that it is.

14          **Q     Okay.**

15          A     Can I just give a point of clarification?

16          **Q     Sure.**

17          A     On that first paragraph, I described how  
18 our services would be offered through ACME  
19 industries. I'm not precluding that they could be  
20 offered through like a future Theia subsidiary. If  
21 you recall, there was Theia Insurance and Theia Risk  
22 Management Solutions. So I just want to be clear  
23 that I'm not trying to say that ACME is the only  
24 model that we could ever do, but in the near term, I  
25 have done sales and promote sensing analytics, it's

1 hard. It's really hard. It's a lot easier to work  
2 with an established company like ACME, who takes  
3 your data flow and moves it through their sales  
4 channels, their established sales channels. So I  
5 just wanted to clarify that.

6 **Q Okay. Did somebody there in the room with**  
7 **you just ask you to clarify that we response?**

8 A No.

9 **Q Did anybody pass you a note asking you to**  
10 **clarify response?**

11 A No. There's no communication, whatsoever,  
12 with anybody else.

13 **MR. BONINI:** I was going to object to your  
14 previous question so my mic clicked on. That was  
15 it. The paper rustled possibly.

16 **BY MS. HOMEN:**

17 **Q So before that clarification, I had asked**  
18 **you if the Theia Mark was in use currently for any**  
19 **of the goods and services listed in this document**  
20 **and you said no, correct?**

21 A That was correct. That was my  
22 understanding that it is not in use delivering those  
23 goods and services.

24 **Q What is your understanding based on?**

25 A We are not, to my knowledge right now,

1 actually delivering services in the market to this  
2 point in time.

3 **Q And when will you be delivering services?**

4 A Well, we discussed the satellite schedule.  
5 There is the possibility of delivering data analytic  
6 services earlier than that on an aircraft platform.

7 **Q Okay. But that would not involve**  
8 **satellites, correct?**

9 A It would not.

10 **Q Okay. And when would that be if you're**  
11 **going to do it earlier, the aviation?**

12 A That could begin this year.

13 **Q Towards the end of this year or when this**  
14 **year?**

15 A Well, that's contingent on some scheduling  
16 issues that are a little difficult to predict, but I  
17 would just safely say at some point this year.

18 **Q Okay. So does that mean that you will be**  
19 **selling services under the Theia Mark soon?**

20 A I don't know how we are approaching the  
21 market in potential near term cases, whether we are  
22 offering services through another entity or what the  
23 actual market channel opportunity is. When I talk  
24 about offering services for us, the important issue  
25 is building those strategic relationships so

CERTIFICATE

I, Anna Laura Kastama, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 24th day of June, 2020.

A handwritten signature in cursive script that reads "Anna Laura Kastama". The signature is written in dark ink and is positioned above a horizontal line.

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Anna Laura Kastama